



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 20, 2005      Signature: Raymond Garguilo, Jr.

JFC

Docket No.: SPINE 3.0-437 CIPCIPCIPCIP CON XV  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Errico et al.

Application No.: 10/642,527

Art Unit: 3738

Filed: August 15, 2003

Examiner: Not Yet Assigned

For: AXIALLY COMPRESSIBLE ARTIFICIAL  
INTERVERTEBRAL DISC HAVING A  
CAPTURED BALL AND SOCKET JOINT  
WITH A SOLID BALL AND COMPRESSION  
LOCKING POST

**NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Assignee, SpineCore, Inc., hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity, and that the claim for small entity status filed by the Applicant is hereby withdrawn.

Dated: January 20, 2005

Respectfully submitted,

By Raymond Garguilo, Jr.  
Raymond Garguilo, Jr.  
Registration No.: 50,930  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant